

(ii) Carries out an independent audit program of the refiner's computer-controlled in-line blending operation, such program to include:

(A) For each batch of reformulated gasoline produced using the operation, a review of the documents generated that is sufficient to determine the properties and volume of the gasoline produced;

(B) Audits that occur no less frequently than annually;

(C) Reports of the results of such audits submitted to the refiner, and to EPA by the auditor no later than February 28 of each year;

(D) Audits that are conducted by an auditor that meets the non-debarred criteria specified in § 80.125 (a) and/or (d); and

(iii) Complies with any other requirements that EPA includes as part of the exemption.

(g) *Marking of conventional gasoline.* [Reserved]

(h) *Compliance audits.* Any refiner and importer of any reformulated gasoline or RBOB, and any oxygenate blender of any RBOB who meets the oxygen standard on average, shall have the reformulated gasoline and RBOB it produced, imported, or blended during each calendar year audited for compliance with the requirements of this subpart D, in accordance with the requirements of subpart F, at the conclusion of each calendar year.

(i) *Exclusion from compliance calculations of gasoline received from others.* Any refiner for each refinery, any oxygenate blender for each oxygenate blending facility, and any importer shall exclude from all compliance calculations the volume and properties of any reformulated gasoline that is produced at another refinery or oxygenate blending facility or imported by another importer.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36962, July 20, 1994; 59 FR 39289, Aug. 2, 1994; 59 FR 60715, Nov. 28, 1994; 62 FR 60135, Nov. 6, 1997]

EFFECTIVE DATE NOTE: At 59 FR 39289, Aug. 2, 1994, § 80.65 was amended by revising paragraph (d)(2)(vi) effective September 1, 1994. At 59 FR 60715, Nov. 28, 1994, the amendment was stayed effective September 13, 1994.

§ 80.66 Calculation of reformulated gasoline properties.

(a) All volume measurements required by these regulations shall be temperature adjusted to 60 degrees Fahrenheit.

(b) The percentage of oxygen by weight contained in a gasoline blend, based upon its percentage oxygenate by volume and density, shall exclude denaturants and water.

(c) The properties of reformulated gasoline consist of per-gallon values separately and individually determined on a batch-by-batch basis using the methodologies specified in § 80.46 for each of those physical and chemical parameters necessary to determine compliance with the standards to which the gasoline is subject, and per-gallon values for the VOC, NO_x, and toxics emissions performance standards to which the gasoline is subject.

(d) Per-gallon oxygen content shall be determined based upon the weight percent oxygen of a representative sample of gasoline, using the method set forth in § 80.46(g). The total oxygen content associated with a batch of gasoline (in percent-gallons) is calculated by multiplying the weight percent oxygen content times the volume.

(e) Per-gallon benzene content shall be determined based upon the volume percent benzene of a representative sample of a batch of gasoline by the method set forth in § 80.46(e). The total benzene content associated with a batch of gasoline (in percent-gallons) is calculated by multiplying the volume percent benzene content times the volume.

(f) Per-gallon RVP shall be determined based upon the measurement of RVP of a representative sample of a batch of gasoline by the sampling methodologies specified in appendix D of this part and the testing methodology specified in appendix E of this part. The total RVP value associated with a batch of gasoline (in RVP-gallons) is calculated by multiplying the RVP times the volume.

(g)(1) Per gallon values for VOC and NO_x emissions reduction shall be calculated using the methodology specified in § 80.45 that is appropriate for the gasoline.

(2) Per-gallon values for toxic emissions performance reduction shall be established using:

(i) For gasoline subject to the simple model, the methodology under § 80.42 that is appropriate for the gasoline; and

(ii) For gasoline subject to the complex model, the methodology specified in § 80.45 that is appropriate for the gasoline.

(3) The total VOC, NO_x, and toxic emissions performance reduction values associated with a batch of gasoline (in percent reduction-gallons) is calculated by multiplying the per-gallon percent emissions performance reduction times the volume of the batch.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36963, July 20, 1994]

§ 80.67 Compliance on average.

The requirements of this section apply to all reformulated gasoline and RBOB produced or imported for which compliance with one or more of the requirements of § 80.41 is determined on average ("averaged gasoline").

(a) *Compliance survey required in order to meet standards on average.* (1) Any refiner, importer, or oxygenate blender that complies with the compliance survey requirements of § 80.68 has the option of meeting the standards specified in § 80.41 for average compliance in addition to the option of meeting the standards specified in § 80.41 for per-gallon compliance; any refiner, importer, or oxygenate blender that does not comply with the survey requirements must meet the standards specified in § 80.41 for per-gallon compliance, and does not have the option of meeting standards on average.

(2)(i)(A) A refiner or importer that produces or imports reformulated gasoline that exceeds the average standards for oxygen or benzene (but not for other parameters that have average standards) may use such gasoline to offset reformulated gasoline which does not achieve such average standards, but only if the reformulated gasoline that does not achieve such average standards is sold to ultimate consumers in the same covered area as was the reformulated gasoline which exceeds average standards; provided that

(B) Prior to the beginning of the averaging period when the averaging approach described in paragraph (a)(2)(i)(A) of this section is used, the refiner or importer obtains approval from EPA. In order to seek such approval, the refiner or importer shall submit a petition to EPA, such petition to include:

(1) The identification of the refiner and refinery, or importer, the covered area, and the averaging period; and

(2) A detailed description of the procedures the refiner or importer will use to ensure the gasoline is produced by the refiner or is imported by the importer and is used only in the covered area in question and is not used in any other covered area, and the record keeping, reporting, auditing, and other quality assurance measures that will be followed to establish the gasoline is used as intended; and

(C) The refiner or importer properly completes any requirements that are specified by EPA as conditions for approval of the petition.

(ii) Any refiner or importer that meets the requirements of paragraph (a)(2)(i) of this section will be deemed to have satisfied the compliance survey requirements of § 80.68 for the covered area in question.

(b) *Scope of averaging.* (1) Any refiner shall meet all applicable averaged standards separately for each of the refiner's refineries;

(2)(i) Any importer shall meet all applicable averaged standards on the basis of all averaged reformulated gasoline and RBOB imported by the importer; except that

(ii) Any importer to whom different standards apply for gasoline imported at different facilities by operation of § 80.41(i), shall meet the averaged standards separately for the averaged reformulated gasoline and RBOB imported into each group of facilities that is subject to the same standards; and

(3) Any oxygenate blender shall meet the averaged standard for oxygen separately for each of the oxygenate blender's oxygenate blending facilities, except that any oxygenate blender may group the averaged reformulated gasoline produced at facilities at which gasoline is produced for use in a single covered area.